Enrolled
Senate Bill 554

Sponsored by Senators BURDICK, MANNING JR, WAGNER, Representatives GRAYBER, PRUSAK, REYNOLDS, SOLLMAN; Senators DEMBROW, FREDERICK, GORSEK, LIEBER, PROZANSKI, RILEY, STEINER HAYWARD, TAYLOR, Representatives ALONSO LEON, CAMPOS, DEXTER, KROPF, NERON, NOSSE, PHAM, SALINAS, SCHOUTEN, SMITH WARNER, VALDERRAMA, WILDE (Presession filed.)

CHAPTER .....

AN ACT

Relating to firearms; creating new provisions; amending ORS 166.262, 166.291, 166.360 and 166.370; and prescribing an effective date.

Whereas on December 11, 2012, 54-year-old Cindy Ann Yuille and 45-year-old Steven Forsyth were shot and killed in the Clackamas Town Center with a stolen AR-15 style assault weapon; and

Whereas the assault rifle used to kill Cindy Ann Yuille and Steven Forsyth had been stolen after being left unsecured with a fully loaded 30 round ammunition magazine by its lawful owner; and

Whereas the lawful owner of the assault rifle failed to report the weapon stolen to any law enforcement agency upon discovering the theft of the weapon; and

Whereas the lawful owner of the weapon used in the Clackamas Town Center shooting had no legal obligation under Oregon law to safely secure the firearm or to report the theft of the weapon; and

Whereas on average 10 children under the age of 18 commit suicide in Oregon each year with firearms that were not safely stored and secured to prevent child access; and

Whereas Oregon has a per capita suicide rate above the national average; and

Whereas the percentage of suicides that are firearm suicides in Oregon is also above the national average; and

Whereas a proven barrier to the impulse to commit suicide is securing firearms with a lock or storing firearms in locked containers; and

Whereas there are a number of children who are injured in Oregon each year with firearms that were not safely stored and secured to prevent child access; and

Whereas the lack of a safe storage law in Oregon contributed to more than 22,000 firearms being lost or stolen in Oregon over the past 10 years; and

Whereas two-thirds of all school shootings in the United States from 1974 through 2000 involved weapons taken by the attackers from their home or from the home of a relative, and many of these shootings would have been prevented if the firearms used had been secured and safely stored; and

Whereas simple common-sense actions including safely storing and transferring firearms, promptly reporting to law enforcement officials the loss or theft of firearms and supervising children when they use firearms would prevent many deaths and injuries in Oregon; and

Whereas the Cindy Yuille and Steve Forsyth Act can be effective in significantly reducing gun violence and suicide in Oregon without imposing criminal penalties; and

Whereas everyone has the right to be free from gun violence; now, therefore,

Be It Enacted by the People of the State of Oregon:

FIREARM STORAGE AND TRANSFER
(Definitions)

SECTION 1. Sections 2 to 6 of this 2021 Act shall be known and may be cited as the Cindy Yuille and Steve Forsyth Act.

SECTION 2. As used in sections 2 to 6 of this 2021 Act:

(1) "Authorized person" means a person authorized by the owner or possessor of a firearm to temporarily carry or control the firearm while in the presence of the owner or possessor.

(2) "Container" means a box, case, chest, locker, safe or other similar receptacle, including, within a vehicle, a glove compartment, enclosed trunk or center console, equipped with a tamper-resistant lock.

(3) "Control" means, in relation to a firearm:

(a) That the owner or possessor of the firearm is close enough to the firearm to prevent another person who is not an authorized person from obtaining the firearm; or

(b) That the owner or possessor of the firearm is in the person's own residence, either alone or with only authorized persons who also live in the residence and who are not minors, and the residence is secure.

(4) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include a firearm that has been rendered permanently inoperable.

(5) "Gun room" means an area within a building enclosed by walls, a floor and a ceiling, including a closet, that has all entrances secured by a tamper-resistant lock, that is kept locked at all times when unoccupied and that is used for:

(a) The storage of firearms, ammunition, components of firearms or ammunition, or equipment for firearm-related activities including but not limited to reloading ammunition, gunsmithing and firearm cleaning and maintenance; or

(b) Conducting firearm-related activities, including but not limited to reloading ammunition, gunsmithing and firearm cleaning and maintenance.

(6) "Handgun" has the meaning given that term in ORS 166.210.

(7) "Law enforcement agency" has the meaning given that term in ORS 166.525.

(8) "Minor" means a person under 18 years of age.

(9) "Possessor" means a person who possesses a firearm with permission from the owner of the firearm for a period of time when the owner is not present.

(10) "Trigger or cable lock" means:

(a) A device that, when installed in a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(b) A device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by any person not having access to the device.

(Storage)

SECTION 3. (1)(a) An owner or possessor of a firearm shall, at all times that the firearm is not carried by or under the control of the owner, possessor or authorized person, secure the firearm:

(A) With an engaged trigger or cable lock;

(B) In a locked container; or

(C) In a gun room.

(b) For purposes of paragraph (a) of this subsection, a firearm is not secured if:

(A) A key or combination to the trigger or cable lock or the container is readily available to a person the owner or possessor has not authorized to carry or control the firearm.

(B) The firearm is a handgun, is left unattended in a vehicle and is within view of persons outside the vehicle.

(2)(a) A violation of subsection (1) of this section is a Class C violation.

(b) Notwithstanding paragraph (a) of this subsection, a violation of subsection (1) of this section is a Class A violation if a minor obtains an unsecured firearm as a result of the violation and the owner or possessor of the firearm knew or should have known that a minor could gain unauthorized access to the unsecured firearm.

(c) Each firearm owned or possessed in violation of subsection (1) of this section constitutes a separate violation.

(3) If a firearm obtained as a result of an owner or possessor of a firearm violating subsection (1) of this section is used to injure a person or property within two years of the violation, in an action against the owner or possessor to recover damages for the injury, the violation constitutes per se negligence, and the presumption of negligence may not be overcome by a showing that the owner or possessor acted reasonably.

(4) Subsection (3) of this section does not apply if:

(a) The injury results from a lawful act of self-defense or defense of another person; or

(b) The unsecured firearm was obtained by a person as a result of the person entering or remaining unlawfully in a dwelling, as those terms are defined in ORS 164.205.

(5) This section does not apply to a police officer as defined in ORS 181A.355, with respect to a particular firearm, if storage of the firearm is covered by a policy of the law enforcement agency employing the police officer and the firearm is stored in compliance with the policy.

(Transfers)

SECTION 4. (1) If a person transfers a firearm and a criminal background check under ORS 166.435 is required prior to the transfer, the person shall transfer the firearm:

(a) With an engaged trigger or cable lock; or

(b) In a locked container.

(2)(a) A violation of subsection (1) of this section is a Class C violation.

(b) Each firearm transferred in violation of subsection (1) of this section constitutes a separate violation.

(3) If a firearm transferred in a manner that violates subsection (1) of this section is used to injure a person or property within two years of the violation, in an action against the transferor to recover damages for the injury, the violation of subsection (1) of this section constitutes per se negligence, and the presumption of negligence may not be overcome by a showing that the transferor acted reasonably.

(4) Subsection (3) of this section does not apply if the injury results from a lawful act of self-defense or defense of another person.

(5) This section does not apply to:

(a) The transfer of a firearm made inoperable for the specific purpose of being used as a prop in the making of a motion picture or a television, digital or similar production.

(b) A transfer that occurs when a firearm is taken from the owner or possessor of the firearm by force.

(Loss or Theft Reporting)

SECTION 5. (1)(a) A person who owns, possesses or controls a firearm shall report the loss or theft of the firearm to a law enforcement agency in the jurisdiction in which the loss

or theft occurred as soon as practicable but not later than within 72 hours of the time the person knew or reasonably should have known of the loss or theft.

(b) If a means of reporting a loss or theft of a firearm within 72 hours is not reasonably available, the person who owned, possessed or controlled the firearm that was lost or stolen must report the loss or theft within 24 hours of the means of reporting becoming available.

(c) A person may include the serial number of the firearm in a report under this subsection.

(2)(a) A violation of subsection (1) of this section is a Class B violation.

(b) Each firearm for which a person does not make the report within the time required by subsection (1) of this section constitutes a separate violation.

(c) A person who knowingly provides false information in a report required by subsection (1) of this section commits the crime of initiating a false report under ORS 162.375.

(3) If a lost or stolen firearm is used to injure a person or property and the person who owned, possessed or controlled the firearm at the time of the loss or theft did not report the loss or theft as required by subsection (1) of this section, in an action against the person who owned, possessed or controlled the firearm at the time of the loss or theft to recover damages for the injury, the violation constitutes negligence per se for two years from the expiration of the time limit for reporting or until the loss or theft report is made, whichever occurs sooner. The presumption of negligence may not be overcome by a showing that the person acted reasonably.

(4) Subsection (3) of this section does not apply if the injury results from a lawful act of self-defense or defense of another person.

(5)(a) Within 24 hours of receiving a report under subsection (1) of this section, a law enforcement agency shall create a record concerning the lost or stolen firearm in the Law Enforcement Data System or another electronic database as determined by the Department of State Police.

(b) A law enforcement agency is exempt from the obligation described in paragraph (a) of this subsection if the agency is unable to create a record concerning the lost or stolen firearm in the electronic database due to insufficient information.

(c) The department may adopt rules to carry out the provisions of this subsection.

(Supervision of Minor)

SECTION 6. (1) Except as provided in subsections (3) and (4) of this section, a person who delivers or otherwise transfers a firearm to a minor shall directly supervise the minor's use of the firearm.

(2)(a) If a person delivers or otherwise transfers a firearm to a minor and fails to directly supervise the minor's use of the firearm as required by subsection (1) of this section, in an action against the person to recover damages for injury to a person or property caused by the minor's use of the firearm, the failure to supervise constitutes negligence per se, and the presumption of negligence may not be overcome by a showing that the person acted reasonably.

(b) Paragraph (a) of this subsection does not apply if the injury results from a lawful act of self-defense or defense of another person.

(3) A person who delivers or otherwise transfers a firearm to a minor may delegate to another person, with the consent of the other person and the minor's parent or guardian, the duty to supervise the minor's use of the firearm. If the duty to supervise is delegated under this subsection, subsection (2) of this section applies to the person assuming the duty to supervise.

(4)(a) This section does not apply, with respect to a particular firearm other than a handgun, if:

(A) The firearm is transferred to a minor in accordance with ORS 166.470, and, as a result of the transfer, the minor is the owner of the firearm; or

(B) The firearm is temporarily transferred to a minor by the minor's parent or guardian or by another person with the consent of the minor's parent or guardian, for the purpose of hunting in accordance with ORS 497.360, hunting of a predatory animal as defined in ORS 610.002 or target shooting at a shooting range, shooting gallery or other area designed for the purpose of target shooting.

(b) The exception described in paragraph (a)(B) of this subsection applies only during the time in which the minor is engaged in activities related to hunting or target shooting.

(Gun Dealer Notice)

SECTION 7. A gun dealer shall post in a prominent location in the gun dealer's place of business a notice, in block letters not less than one inch in height, that states, "The purchaser of a firearm has an obligation to store firearms in a safe manner and to prevent unsupervised access to a firearm by a minor. If a minor or unauthorized person obtains access to a firearm and the owner failed to store the firearm in a safe manner, the owner may be in violation of the law."

REGULATION OF FIREARMS IN PUBLIC BUILDINGS

SECTION 8. (1) The governing board of a public university listed in ORS 352.002, the Oregon Health and Science University Board of Directors, the governing board of a community college or a district school board as defined in ORS 332.002 may adopt a policy providing that the affirmative defense described in ORS 166.370 (3)(g), concerning persons licensed to carry a concealed handgun under ORS 166.291 and 166.292, does not apply to the possession of firearms on the grounds of the schools controlled by the board.

(2) A board that adopts a policy under this section shall:

(a) Post a clearly visible sign, at all normal points of entry to the school grounds subject to the policy described in subsection (1) of this section, indicating that the affirmative defense described in ORS 166.370 (3)(g) does not apply.

(b) Post a notice on the board's website identifying all school grounds subject to the policy described in subsection (1) of this section.

SECTION 9. ORS 166.360 is amended to read:

166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

(1) "Capitol building" means the Capitol, the State Office Building, the State Library Building, the Labor and Industries Building, the State Transportation Building, the Agriculture Building or the Public Service Building and includes any new buildings which may be constructed on the same grounds as an addition to the group of buildings listed in this subsection.

(2) "Court facility" means a courthouse or that portion of any other building occupied by a circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by personnel related to the operations of those courts, or in which activities related to the operations of those courts take place.

(3) "Judge" means a judge of a circuit court, the Court of Appeals, the Supreme Court, the Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

(4) "Judicial district" means a circuit court district established under ORS 3.012 or a justice of the peace district established under ORS 51.020.

(5) "Juvenile court" has the meaning given that term in ORS 419A.004.

(6) "Loaded firearm" means:

(a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached to the firearm including but not limited to, in a chamber, magazine or clip which is attached to the firearm.

(b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot or projectile in the barrel or cylinder.

(7) "Local court facility" means the portion of a building in which a justice court, a municipal court, a probate court or a juvenile court conducts business, during the hours in which the court operates.

(8) "Probate court" has the meaning given that term in ORS 111.005.

(9) "Public building" means**:**

(a) A hospital, a capitol building, a public or private school, as defined in ORS 339.315, a college or university, a city hall or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or [*a municipal corporation, as defined*] **by a city, a county, a district as defined in ORS 198.010 or any other entity that falls within the definition of "municipal corporation"** in ORS 297.405, other than a court facility[.]**; or**

(b) The passenger terminal of a commercial service airport with over one million passenger boardings per year.

(10) "Weapon" means:

(a) A firearm;

(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife, other than an ordinary pocketknife with a blade less than four inches in length, the use of which could inflict injury upon a person or property;

(c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

(d) An electrical stun gun or any similar instrument;

(e) A tear gas weapon as defined in ORS 163.211;

(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument, the use of which could inflict injury upon a person or property; or

(g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

SECTION 10. ORS 166.370 is amended to read:

166.370. (1)**(a)** Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony.

(b) Notwithstanding paragraph (a) of this subsection, in a prosecution under this section for the possession of a firearm within the Capitol, within the passenger terminal of a commercial service airport with over one million passenger boardings per year or on school grounds subject to a policy described in section 8 of this 2021 Act, if the person proves by a preponderance of the evidence that, at the time of the possession, the person was licensed under ORS 166.291 and 166.292 to carry a concealed handgun, upon conviction the person is guilty of a Class A misdemeanor.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to the offense, the presiding judge of the local court facility entered an order prohibiting firearms in the area in which the court conducts business and during the hours in which the court operates.

(b) The presiding judge of a judicial district or a municipal court may enter an order permitting the possession of specified weapons in a court facility.

(c) Within a shared court facility, the presiding judge of a municipal court or justice of the peace district may not enter an order concerning the possession of weapons in the court facility that is in conflict with an order entered by the presiding judge of the circuit court.

(3) Subsection (1)**(a)** of this section does not apply to:

(a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation officer is acting within the scope of employment.

(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.

(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(e) An honorably retired law enforcement officer.

(f) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun**, except as provided in subsection (1)(b) of this section**.

(h) A person who is authorized by the officer or agency that controls the public building to possess a firearm or dangerous weapon in that public building.

(i) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

(j) Possession of a firearm on school property if the firearm:

(A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

(B) Is unloaded and locked in a motor vehicle.

(k) A person who possesses a firearm in the passenger terminal of a commercial service airport, if the firearm is unloaded and in a locked hard-sided container for the purposes of transporting the firearm as checked baggage in accordance with federal law.

(4)(a) **Except as provided in subsection (1)(b) of this section,** the exceptions listed in subsection (3)(d) to [*(j)*] **(k)** of this section constitute affirmative defenses to a charge of violating subsection (1)**(a)** of this section.

(b) A person may not use the affirmative defense described in subsection (3)(e) of this section if the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

(5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school shall upon conviction be guilty of a Class C felony.

(b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

(A) As part of a program approved by a school in the school by an individual who is participating in the program;

(B) By a law enforcement officer acting in the officer's official capacity; or

(C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.

(6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.

(7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a violation of both subsections (1) and (5) of this section, the district attorney may charge the person with only one of the offenses.

(8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is defined in ORS 161.015.

SECTION 11. ORS 166.262 is amended to read:

166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1)**(a)** if the person has in the person's immediate possession:

(1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292**, unless the person possesses a firearm within the Capitol, within the passenger terminal of a commercial service airport with over one million passenger boardings per year or on school grounds subject to a policy described in section 8 of this 2021 Act**;

(2) Proof that the person is a law enforcement officer; or

(3) Proof that the person is an honorably retired law enforcement officer, unless the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

CONCEALED HANDGUN LICENSE FEES

SECTION 12. ORS 166.291 is amended to read:

166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed handgun license, upon receipt of the appropriate fees and after compliance with the procedures set out in this section, shall issue the person a concealed handgun license if the person:

(a)(A) Is a citizen of the United States; or

(B) Is a legal resident alien who can document continuous residency in the county for at least six months and has declared in writing to the United States Citizenship and Immigration Services the intent to acquire citizenship status and can present proof of the written declaration to the sheriff at the time of application for the license;

(b) Is at least 21 years of age;

(c) Is a resident of the county;

(d) Has no outstanding warrants for arrest;

(e) Is not free on any form of pretrial release;

(f) Demonstrates competence with a handgun by any one of the following:

(A) Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component of the course;

(B) Completion of any National Rifle Association firearms safety or training course if handgun safety was a component of the course;

(C) Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or a law enforcement agency if handgun safety was a component of the course;

(D) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course;

(E) Presents evidence of equivalent experience with a handgun through participation in organized shooting competition or military service;

(F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been revoked; or

(G) Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;

(g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor conviction for the possession of marijuana as described in paragraph (L) of this subsection;

(i) Has not been committed to the Oregon Health Authority under ORS 426.130;

(j) Has not been found to be a person with mental illness and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, the person was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470;

(L) Has not been convicted of an offense involving controlled substances or participated in a court-supervised drug diversion program, except this disability does not operate to exclude a person if:

(A) The person can demonstrate that the person has been convicted only once of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not completed a drug diversion program for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

(B) The person can demonstrate that the person has only once completed a drug diversion program for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738;

(n) Has not received a dishonorable discharge from the Armed Forces of the United States;

(o) Is not required to register as a sex offender in any state; and

(p) Is not presently subject to an order under ORS 426.133 prohibiting the person from purchasing or possessing a firearm.

(2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

(3) Before the sheriff may issue a license:

(a) The application must state the applicant's legal name, current address and telephone number, date and place of birth, hair and eye color and height and weight. The application must also list the applicant's residence address or addresses for the previous three years. The application must contain a statement by the applicant that the applicant meets the requirements of subsection (1) of this section. The application may include the Social Security number of the applicant if the applicant voluntarily provides this number. The application must be signed by the applicant.

(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff shall fingerprint and photograph the applicant and shall conduct any investigation necessary to corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal records check is necessary, the sheriff shall request the Department of State Police to conduct the check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. The Department of State Police shall report the results of the fingerprint-based criminal records check to the sheriff. The Department of State Police shall also furnish the sheriff with any information about the applicant that the Department of State Police may have in its possession including, but not limited to, manual or computerized criminal offender information.

(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon request. The forms shall be uniform throughout this state in substantially the following form:

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date_____

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a person with mental illness and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. I am not under a court order to participate in assisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____
(Disclosure of your Social Security account number is voluntary. Solicitation of the number is authorized under ORS 166.291. It will be used only as a means of identification.)

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. The type of identification and the number on the identification are to be filled in by the sheriff.):

1._____
2._____

Height _____ Weight _____
Hair color _____ Eye color _____

Current address _____

(List residence addresses for the past three years on the back.)

City _____ County _____ Zip _____
Phone _____

I have read the entire text of this application, and the statements therein are correct and true. (Making false statements on this application is a misdemeanor.)

_____
(Signature of Applicant)

Character references.

_____

Name: Address

_____

Name: Address

Approved _____ Disapproved _____ by _____

Competence with handgun demonstrated by _____ (to be filled in by sheriff)
Date _____ Fee Paid _____
License No. _____

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(5)(a) Fees for concealed handgun licenses are:

(A) $15 to the Department of State Police for conducting the fingerprint check of the applicant.

(B) [*$50*] **$100** to the sheriff for the **initial** issuance [*or renewal*] of a concealed handgun license.

(C) $75 to the sheriff for the renewal of a concealed handgun license.

[*(C)*] **(D)** $15 to the sheriff for the duplication of a license because of loss or change of address.

(b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.

(6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.

(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.

(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.

(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:

(a) Has a current Oregon driver license issued to the person showing a residence address in the county;

(b) Is registered to vote in the county and has a voter notification card issued to the person under ORS 247.181 showing a residence address in the county;

(c) Has documentation showing that the person currently leases or owns real property in the county; or

(d) Has documentation showing that the person filed an Oregon tax return for the most recent tax year showing a residence address in the county.

(10) As used in this section, "drug diversion program" means a program in which a defendant charged with a marijuana possession offense completes a program under court supervision and in which the marijuana possession offense is dismissed upon successful completion of the diversion program.

SECTION 13. The amendments to ORS 166.291 by section 12 of this 2021 Act apply to applications for new concealed handgun licenses and requests for license renewal submitted on or after the effective date of this 2021 Act.

CAPTIONS

SECTION 14. **The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.**

EFFECTIVE DATE

SECTION 15. **This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

Passed by Senate March 25, 2021

Repassed by Senate May 5, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House April 29, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State